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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/079,670	02/20/2002	Patrick W. Bixenman	68.0265	9313

7590

07/16/2003

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EXAMINER

DANG, HOANG C

ART UNIT

PAPER NUMBER

3672

DATE MAILED: 07/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/079,670

Applicant(s)

BIXENMAN ET AL.

Examiner

Hoang Dang

Art Unit

3672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-64 is/are pending in the application.
- 4a) Of the above claim(s) 11-13, 23-43 and 54-64 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 14-19, 21, 22 and 44-53 is/are rejected.
- 7) ☒ Claim(s) 20 is/are objected to.
- 8) ☒ Claim(s) 11-13, 23-43 and 54-64 are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 February 2002 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of the species of Figures 2-4, claims 1-10, 14-22 and 44-53 in Paper No. 4 is acknowledged.
2. Claims 11-13, 23-43 and 54-64 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 4.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "the side conduit" in line 1 has no antecedent basis. It appears that claim 15 is meant to depend on claim 14.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, 7-10, 14-19, 21, 22, 45-50 and 52 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Castano-Mears et al (US 6,457,518) (see Figure 7, column 7, lines 45-67).

3. Claims 1, 2, 14-18, 22, 44, 45 and 47 are rejected under 35 U.S.C. 102(b) as being anticipated by Meldau (US 3,556,219).

The claimed structure and method steps read exactly on the reference's when members (13), (8) and (11) of Figures 4-5 are considered as "base pipe", "filtering media" and "adjacent-screen device" as recited. As for claim 17, stinger 18 is considered as another "adjacent-screen device" as recited.

4. Claims 1, 2, 14-18, 22, 44, 45 and 47-49 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Jones et al (US 5,515,915) (see "base pipe" 25, "filter media" 32" and "adjacent-screen device" 28 in Figures 1-3).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 5, 6, 51 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Castano-Mears et al '518 in view of Tubel et al (US 6,281,489) or Perales (US 5,163,321).

Castano-Mears et al do not disclose the use of the fiber optic cable (column 7, line 59) to sense temperature. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use such a fiber optic cable to monitor downhole temperatures as evidenced by Tubel et al (see the abstract and column 15, lines 21-26) or Perales (see the abstract)

7. Claim 44 is rejected under 35 U.S.C. 103(a) as being unpatentable over Castano-Mears et al '518.

Castano-Mears et al do not disclose how the filter media wraps 62 and connector 72 are arranged on the base pipe. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to filter media wraps 66 and connector 72 of Figure 7 on base pipe 38 having helically arranged openings 46 shown in Figures 3A-3B such that the connector 72 falls between two adjacent helically arranged rows of openings 46 to avoid blocking these openings, thereby maintaining maximum flow through the screen.

Allowable Subject Matter

8. Claim 20 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Specification

9. The disclosure is objected to because of the following informalities: The related applications recited on page 1 should be updated.

Appropriate correction is required.

Drawings

10. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "70" on page 10, lines 11 and 13; "82" and "84" on page 12, line 3. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoang Dang whose telephone number is 703-308-2149. The examiner can normally be reached on 9:15-5:45 Monday-Friday.

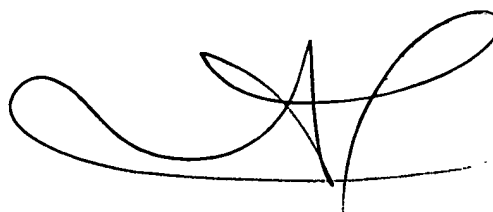
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Bagnell can be reached on 703-308-2151. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3597 for regular communications and 703-305-3597 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.

Hoang Dang
Primary Examiner
Art Unit 3672

10079670.1rej
July 11, 2003

A handwritten signature in black ink, consisting of a series of loops and a central vertical stroke, positioned below the printed name and title.